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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

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DELAWARE P.S.C.

IN THE MATTER OF THE NOTICE OF )  
PROBABLE VIOLATION OF 26 DEL. )  
ADMIN. C. §8001 AND ASSOCIATED )  
CIVIL PENALTIES ASSESSED TO )  
CHESAPEAKE UTILITIES )  
CORPORATION )  
(OPENED JANUARY 8, 2013) )

PSC DOCKET NO. 387-13

**PETITION OF THE ATTORNEY GENERAL OF THE STATE OF DELAWARE  
FOR LEAVE TO INTERVENE**

NOW COMES the Attorney General of the State of Delaware, by and through the Deputy State Solicitor, pursuant to 26 *Del. Admin. C.* §2.9 (Public Service Commission Rules of Practice and Procedure), and petitions for leave to intervene in the above-captioned matter on the following grounds:

1. Petitioner is Joseph R. Biden, III, Attorney General of the State of Delaware, 820 N. French Street, Wilmington, DE 19801. His designated representative is James Adams, Deputy State Solicitor. Mr. Adams' contact information is:

Address: 820 N. French Street, 6<sup>th</sup> Floor, Wilmington, DE 19801

Telephone: (302) 577-5036

Fax: (302) 577-5866

E-mail: [james.adams@state.de.us](mailto:james.adams@state.de.us)

2. The attorney for Petitioner is Regina A. Iorii, Deputy Attorney General. Her contact information is:

Address: 820 N. French Street, 6<sup>th</sup> Floor, Wilmington, DE 19801

Telephone: (302) 577-8159

Fax: (302) 577-3297

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3. As Attorney General of the State of Delaware, Petitioner represents the interests of the public and, accordingly, may exercise broad powers under the common law. *See Darling Apt. Co. v. Springer*, 22 A.2d 397, 403 (Del. 1941) (“[A]s the chief law officer of the State, the Attorney General, in the absence of express legislative restriction to the contrary, may exercise all such power and authority as the public interest may from time to time require.”).

4. Petitioner requests that this petition be granted because the position of Public Advocate only became vacant on March 13, 2013 and no replacement has been nominated by the Governor and approved by the Senate as required by 29 *Del. C.* §8716(a). The Public Advocate is charged with *inter alia*, advocating for the lowest reasonable rates consistent with adequate utility service and with the equitable distribution of rates across all customer classes. 29 *Del. C.* §8716(d)(2). In the absence of a Public Advocate, no likely party to this proceeding will adequately discharge that duty.

5. Petitioner’s participation in the proceeding is in the public interest because the consumers’ interests are not otherwise represented due to the vacancy in the Public Advocate’s office. The General Assembly, in creating the position of Public Advocate, intended that the interests of consumers in the lowest reasonable rates consistent with maintaining utility service and equitable rate distribution be represented before this Commission. *Id.* §§8716(d)(1), (2). The Attorney General, in his role as *parens patriae*, is the lawful representative of the State’s consumers of regulated utility services, and is the proper party to intervene on their behalf under these circumstances.

**WHEREFORE**, Petitioner requests that he be granted leave to intervene and participate as a party in the above-captioned matter.

Respectfully submitted,

/s/ Regina A. Iorii

Regina A. Iorii (#2600)

Deputy Attorney General

Delaware Department of Justice

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Wilmington, DE 19801

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Counsel for the Attorney General through  
Deputy State Solicitor James Adams

Dated: April 15, 2013

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 15, 2013, I caused the PETITION OF THE ATTORNEY GENERAL FOR LEAVE TO INTERVENE to be served on the following persons by electronic mail.

Julie M. "Jo" Donoghue, Esq. Deputy Attorney General Delaware Public Service Commission 861 Silver Lake Blvd., Suite 100 Dover, DE 19904 <a href="mailto:jo.donoghue@state.de.us">jo.donoghue@state.de.us</a>	William A. Denman, Esq. Parkowski, Guerke & Swayze, P.A. 116 West Water Street Dover, DE 19903-0598 <a href="mailto:wdenman@pgslegal.com">wdenman@pgslegal.com</a>
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/s/ Regina A. Iorii  
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Dated: April 15, 2013

Counsel for the Attorney General of  
the State of Delaware through his  
designee Deputy State Solicitor  
James Adams